

Court of Appeals, State of Michigan

ORDER

Michael Lynn Anderson v Gus Harrison Correctional Facility Warden

Docket No. **353751**

LC No. **20-006445-AH**

Michael F. Gadola, Judge, acting under MCR 7.211(E)(2), orders:

The motion for reconsideration is DENIED. The present original action for habeas corpus is a civil action, MCR 3.301(A)(1)(b), and thus is subject to MCL 600.2963. See MCL 600.2963(1). Further, the provision of the July 16, 2020 order for deductions of 50 percent of future deposits to plaintiff's prisoner account toward the remaining balance owed this Court (if he opts to proceed with this case) accords with MCL 600.2963(5) and is not discretionary with this Court.

Under the circumstances, it is unclear if plaintiff wishes to proceed with this case with responsibility for payment of the \$361 remaining balance through deductions from future deposits to his prisoner account in accordance with the July 16, 2020 order. If plaintiff wishes to proceed with this case, he shall within 21 days after the date of the present order file with this Court a written statement that he wishes to proceed with this case. If plaintiff does so, the Clerk's Office shall notify the Department of Corrections to begin appropriate deductions from plaintiff's prisoner account per the July 16, 2020 order. In this regard, any written statement from plaintiff expressing that he wishes to proceed with this case will result in such notice to the Department of Corrections and any attempt in such a statement to disavow responsibility for payment of the remaining balance through deductions from plaintiff's prisoner account will be disregarded. If plaintiff does not submit a signed statement of wishing to continue with this case, the case will be treated as never having been filed in this Court and this Court will refund the \$39 initial partial filing fee previously paid by plaintiff to him.





A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

August 13, 2020

Date



Chief Clerk